

DEPARTMENT OF THE ARMY

U.S. Army Corps of Engineers
WASHINGTON, D.C. 20314-1000

REPLY TO
ATTENTION OF:

CECW-P/CECW-B

JUL 16 2001

MEMORANDUM FOR MAJOR SUBORDINATE COMMANDS

SUBJECT: Implementation Guidance for the Water Resources Development Act of 2000
Continuing Authorities Program Provisions

1. Purpose: The purpose of this memorandum is to provide guidance on provisions of the Water Resources Development Act of 2000 (WRDA 00) which relate to the Continuing Authorities Program (CAP). The guidance contained in this memorandum will enable studies and projects to proceed with minimum disruption.

2. Sections 102, 103, 104, 105, 106, 107, 108, 109, 110, 321, 328, 450, 512, 513 and 514. These studies and projects will follow normal CAP procedures. Division Commanders will consider and fund the initiation, continuation, or implementation of any of the listed activities based on the availability of MSC planning, design, and construction funds, compliance with applicable policies and CAP guidance, and their priority relative to other unstarted or continuing work. WRDA 2000 CAP authorizations should be treated as unfunded projects unless funds were identified for specific projects in an appropriations act or a House, Senate, or Conference report that accompanied an appropriations act. More detailed guidance on these provisions is found in the enclosure.

3. The following paragraphs provide specific guidance for Section 102 (b) and Section 106 (b).

a. Section 102 (b) provides discretionary authority to the Secretary to consider benefits from the full utilization of existing improvements at McClellan Air Force Base that would result from the proposed project after conversion of the base to civilian use. As part of the study, demonstrate whether the project is economically justified both with and without these benefits. Once the report is completed, it must be submitted to the ASA(CW) through HQUSACE for approval. Otherwise, no additional work may be undertaken unless funds are specifically appropriated for such work.

b. Section 106 (b) provides discretionary authority to the Secretary to credit toward the non-Federal share of the cost of the Salmon River, Idaho, project work consisting of surveys, studies, and development of technical data, carried out by the non-Federal interest if the Secretary determine that the work is integral to the project. The decision document supporting the Project Cooperation Agreement (PCA) for this project must include a section titled Crediting Documentation that includes an assessment of the work claimed by the non-Federal sponsor for the work performed prior to the date of execution of the PCA. The assessment must include the necessary information to determine whether the work performed by the non-Federal sponsor is integral to the Salmon River, Idaho, project in order to determine which are creditable costs. Upon approval of this document the PCA should be prepared and forwarded for HQUSACE and ASA (CW) approval. The credit for prior work may start to be afforded during the first year

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after the PCA is executed or after an audit of all the costs, whichever occurs later. Credit will be based on reasonableness, allocability and allowability of costs. The total amount of credit shall not exceed the non-Federal share.

4. Section 218 authorizes an increase in the Federal funding limit for the Section 205 program from \$40,000,000 to \$50,000,000. Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended in the first sentence by striking "\$40,000,000" and inserting "\$50,000,000". This provision increases the amount that can be allotted to studies and projects to be undertaken under the Section 205 authority. There is no impact on the policy or procedural requirements of individual studies or projects.

Encl



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 Major General, USA

Director of Civil Works

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ENCLOSURE

WRDA 2000 GUIDANCE

Sections 102, 103, 104, 105, 106, 107, 108, 109, 110, 321, 328, 450, 512, 513 and 514

1. Ineligible Activities. For listed activities that are not eligible for implementation in accordance with existing CAP guidance, no further action should be taken unless funds are specifically appropriated, or appropriations act report language directs such work. In these cases, specific directions will be provided as part of the decision making process for responding to appropriations act provisions.

2. Specifically Authorized Activities:

(a) Authorized Studies. If any listed activity is being conducted under specific study authorization, ongoing work may be continued under the specific authorization. The decision whether to implement under CAP or to seek specific project authorization will be made at the appropriate time, as provided for in current CAP guidance.

(b) Authorized Projects. For listed projects which are also specifically authorized by Congress for construction under a CAP authority, existing CAP guidance in paragraph F-6, Program Eligibility, of ER 1105-2-100 (22 Apr 00) should be followed.

3. Priority Considerations. In order to expeditiously plan, design, and implement needed projects, and in recognition that the listed activities may increase pressure on statutory CAP program limits, consideration should be given to prosecuting listed activities under specific authorization instead of using a CAP authority.